

COASTAL CONSERVANCY

Staff Recommendation  
October 17, 2019

**MOSS LANDING COASTAL TRAIL ACCESSWAY CONSTRUCTION**

Project No. 16-030-01  
Project Manager: Timothy Duff/Rachel Couch

**RECOMMENDED ACTION:** Authorization to disburse up to \$1,500,000 to Monterey County to construct a segment of the California Coastal Trail in Moss Landing, and adoption of CEQA findings.

**LOCATION:** West side of Highway 1, between Moss Landing and Jetty Roads, Moss Landing, Monterey County (Exhibit 1: Project Location and Site Map).

**PROGRAM CATEGORY:** Public Access

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EXHIBITS

- Exhibit 1: [Project Location and Site Maps](#)
- Exhibit 2: [Photos](#)
- Exhibit 3: CEQA Documentation
  - 3a. [Mitigated Negative Declaration](#)
  - 3b. [Mitigation Monitoring Reporting Plan](#)
- Exhibit 4: [Project Letters](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31410 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million five hundred thousand dollars (\$1,500,000) to the County of Monterey (“the grantee”) to construct a Class 1 bikeway and bike and pedestrian bridge in Moss Landing along State Highway 1, and install interpretive signage along the bikeway, as shown on Exhibit 1 to the accompanying staff recommendation.

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Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project for a period of not less than twenty years.
6. In addition, to the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy's 'Standards and Recommendations for Accessway Location and Development' and the requirements of all applicable federal and state laws governing barrier-free access for persons with disabilities into the project."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code regarding public access.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration adopted by the Monterey County on September 15, 2015 pursuant to the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 3. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the Project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382."

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### PROJECT SUMMARY:

Staff is recommending that the Conservancy provide up to \$1,500,000 to the County of Monterey to construct a segment of the California Coastal Trail (CCT) including a bridge across the mouth of Elkhorn Slough. The project will provide a critical link in the California Coastal Trail, allowing safe access between north and south Moss Landing. This segment of the CCT is also a part of the Monterey Bay Sanctuary Scenic Trail (MBSST) network, which is planned to ultimately run along the entire Monterey Bay coastline from Lovers Point in Pacific Grove to the

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northern Santa Cruz County line. The MBSST serves as the Coastal Trail around Monterey Bay. When this project is completed, nearly one mile of new biking and pedestrian trail will be available for recreational use or as an alternative to driving along Highway 1.

Located at the mouth of Elkhorn Slough, Moss Landing Harbor creates a barrier for cyclists and pedestrians traveling along the coast or visiting the harbor. Moss Landing is a working waterfront and popular tourist destination with shopping and dining options along the south side of the harbor and beaches and tourist serving businesses on the north side. The only direct path for pedestrians and cyclists between these areas is along the narrow shoulders of Highway 1. With cars traveling at speeds in excess of 55 miles per hour, Highway 1 is dangerous for pedestrians and cyclists. In fact, because of the danger, signs direct cyclists to go inland around Elkhorn Slough rather than travel this section of the highway. Changing these site conditions will remove the risk of pedestrian injuries along Highway 1, while also reducing the number of cars needing to enter and exit Highway 1 to travel from one end of Moss Landing to another.

The proposed segment is also a critical link in the Monterey Bay Scenic Sanctuary Trail (MBSST). This popular 18-mile beach and nearshore trail extends from Pacific Grove to Moss Landing's southern end. The project would extend that route through Moss Landing to the north side of Elkhorn Slough, where a connection to a 14-mile beach route extending all the way to Capitola can be accessed. This beach route is the focus of a growing tourist-serving industry for which Moss Landing could be an important starting, resting, or ending point. For cyclists, the project will provide future connectivity to adjacent multi-use segments to the south as they are developed. To the north, the project will connect to an existing developed segment of the MBSST, constructed in 2007 along the North Harbor of the Moss Landing Harbor District. The primary purposes of the MBSST are to enhance appreciation and protection of the Monterey Bay National Marine Sanctuary and to provide a safe, accessible scenic trail, free of automobile traffic, for pedestrians, bicyclists, and other users. The proposed project includes preparation and installation of interpretive signage that will educate trail users on the area's ecological, geological and cultural resources.

This portion of the MBSST project is a collaborative effort among public agencies and community organizations to construct a .86 mile 'Class 1' (physically protected) multi-use path within Moss Landing Harbor, adjacent to Highway 1, and a bike and pedestrian bridge across Elkhorn Slough to North Moss Landing Harbor (see site map, Exhibit 2). Project elements include a 10-foot wide paved bicycle path with 2-foot wide decomposed granite shoulders on each side. The bridge over Elkhorn Slough will be physically separated from the existing Highway 1 bridge and will complete the safe pedestrian connection between North and South Moss Landing. Other project elements consist of a rock-slope protection along the shore at two separate sections of the trail most susceptible to tidal scour, erosion and wave surge and gabions (wirework containers filled with earth and rock) to support sections of the trail that are being constructed on filled dirt along the abandoned embankment of the old Highway 1 route. Three separate retaining walls will be built along sections of the trail to prevent erosion and degradation of the project. The proposed project alignment will provide bicycle and pedestrian users the greatest opportunity to be near the Moss Landing South Harbor shoreline for enjoyment of the scenic and wildlife benefits. Additionally, this alignment helps to remove

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users as far as possible from the dangers associated with Highway 1 traffic and the intersection with Moss Landing Road.

Monterey County's Resource Management Agency will carry out the project as lead agency in partnership with California Department of Transportation (CalTrans) along with hired consultants and construction contractors. The project is consistent with the goals and objectives of the 2014 Regional Transportation Plan (RTP) prepared by the Transportation Agency for Monterey County (TAMC), Monterey County's regional transportation agency.

**Site Description:** The trail segment will be located west of Highway 1 and will run roughly parallel to it (Exhibit 2). The project area is entirely within the Coastal Zone, consisting of a mix of industrial, commercial, and recreational uses including land that was set aside for preservation. The proposed project would be constructed within the right of ways owned by the County, Caltrans, Moss Landing Harbor District, and the neighboring power plant, and on three privately owned parcels located at the southern and northern portions of the project area.

Immediately west of the trail is the south section of Moss Landing Harbor, which is situated at the mouth of the Old Salinas River channel. Moss Landing Harbor berths fishing boats, pleasure crafts, research vessels and dozens of tour and charter boats. The small village of Moss Landing hosts a variety of shopping, dining, and other tourist activities. Moss Landing Marine Laboratories and the Monterey Bay Aquarium Research Institute are also located there. East of Highway 1 on the south side of the harbor is the Moss Landing Power Plant, a natural gas facility (Dynergy Moss Landing, LLC).

The new trail segment will cross over the mouth of Elkhorn Slough. The slough supports the second largest tract of tidal salt marsh habitat in California. The main channel extends inland for seven miles and the slough consists of several thousand acres of tidelands supporting extensive areas of various sized channels, mud and sand flats, and salt marsh. More than 340 different species of birds visit annually or find permanent refuge there, including several rare and endangered species, such as the Brown Pelican, Snowy Plover, and Peregrine Falcon. The slough also provides critical habitat for year-round and marine species of fish from nearshore waters that enter the slough to feed, mate, and spawn. Federally-threatened California sea otters frequent both the slough and harbor areas and are extremely popular with visitors. Sea lions are also found in abundance in the harbor.

On the north side of the channel there are more docks, facilities to rent kayaks and access to Moss Landing State Beach. Kayaking from the harbor into Elkhorn Slough is a popular activity. The new segment will link the kayak rental facilities to the other services on the south side.

The project area supports a significant amount of sensitive biological resources. To ensure the protection of these resources, several mitigation measures have been included in the Mitigated Negative Declaration. Please see the California Environmental Quality Act section at the end of this staff recommendation for additional information.

**Grantee Qualifications:** Monterey County and staff of their Resources Management Agency have been diligently working on this project for the past 15 years and have successfully managed all pre-construction tasks. Staff and elected officials have secured all other funding

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needed to construct the project. The County has demonstrated the capacity to manage previous state grants and has an established record of success completing similar projects.

**Project History:** In 2001, Congressman Sam Farr convened a meeting of public agencies and community organizations to develop support for the MBSST, eventually forming a steering committee. In 2005, the MBSST Master Plan for Monterey County was initiated by Transportation Agency for Monterey County (TAMC). The purpose of the master plan was to identify a preferred alignment for the trail and to outline an implementation plan for the trail. Coastal Conservancy staff participated in the planning process, including the original discussions of the proposed segment. The Master Plan was completed in 2007.

The Conservancy was approached by the County with a request for project funding in 2008, the same year that design and environmental review phase of the project started. Since then, the project has moved through the process from securing the necessary funding for planning and construction, to acquisition of land and rights of way, to complete environmental compliance, and securing permits. The CEQA Mitigated Negative Declaration was completed and subsequently adopted in September, 2015. In the summer of 2019 County staff confirmed they had successfully secured their share of match funding and requested Conservancy funds needed to complete the project.

### PROJECT FINANCING

<b>Coastal Conservancy</b>	<b>\$1,500,000</b>
<b>Caltrans (“ATP”)</b>	<b>\$7,600,000</b>
<b>Federal Highway Administration (“SAFETEA LU”)</b>	<b>\$1,100,000</b>
<b>Monterey County Transportation Agency</b>	<b>\$330,00</b>
<b>Project Total</b>	<b>\$10,530,000</b>

The anticipated source for the Conservancy funds for this project is an appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, Public Resources Code Section 75001 et seq. (Proposition 84). Section 75060 authorizes the use of Proposition 84 funds for several purposes including projects that promote access to the coastal resources of the state. Section 75060(b) specifies that projects undertaken with funds allocated to the Conservancy must be consistent with the Conservancy’s enabling legislation, Division 21 of the Public Resources Code (Sections 31000- 31414). Proposition 84 specifically allocates a portion of Conservancy funding for Monterey Bay and its watersheds (Public Resources Code Sections 75060(e)).

The proposed project will construct a new segment of the CCT and MBSST and thus will promote public access to the coast. The proposed project is consistent with the Conservancy’s enabling legislation, as discussed in the “Consistency with Conservancy’s Enabling Legislation” section below, therefore the proposed project is consistent with the funding requirements of Proposition 84.

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In addition to the construction funding summarized above, the grantee utilized local and federal grant funds totaling \$3 million for pre-construction costs associated with final project design, engineering, environmental review and permitting.

### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

This project would be undertaken pursuant to Chapter 9 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code (Sections 31400-31410), regarding public access and enjoyment of coastal resources. Section 31400 states the Legislature's intent that the Conservancy play a principal role in the implementation of a system of public accessways to and along the coast. Through the proposed authorization the Conservancy would assist in closing a gap in and providing a safe public accessway along a popular segment of the California Coastal Trail.

Section 31400.1 allows the Conservancy to award grants to a public agency for development of accessways to and along the coast that serve more than local public needs. Consistent with this section, the proposed project will construct a new segment of the CCT that will serve local residents and workers as well as visitors from throughout the region and beyond. Moss Landing and Elkhorn Slough both draw visitors from throughout the state.

Section 31400.2 authorizes the Conservancy to provide up to the total cost of the initial development of a public accessway by any public agency or nonprofit organization but requires the Conservancy to consider a number of factors in determining the amount of funding for an access project. Consistent with the section, the proposed amount of funding was evaluated relative to the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, and the Conservancy's project selection criteria (See Consistency with Conservancy's Project Selection Criteria & Guidelines). The recommended \$1.5 million grant would provide 14% of the total construction costs.

Section 31400.3 authorizes the Conservancy to assist public agencies in developing and implementing a system of public accessways to and along the state's coastline. The proposed project will further these goals by improving and enhancing public access at a popular coastal location.

As required by Section 31401, the Conservancy has adopted standards to guide agencies in developing public access to coastal resources. These are discussed relative to the proposed project in the "Consistency with Conservancy's Access Program Standards" section below.

Section 31408 requires state agencies with property interests or regulatory authority in coastal areas to cooperate with the Conservancy with respect to planning and making lands available for completion of the trail, including constructing trail links, placing signs, and managing the trail. CalTrans and the Coastal Commission are cooperating partners with the County on this project.

### **CONSISTENCY WITH CONSERVANCY'S ACCESS PROGRAM STANDARDS:**

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As a condition of approval, the project has been designed to be consistent with the Coastal Conservancy's Standards and Recommendations for Accessway Location and Development. In particular:

**Standard No. 1, Protect Public and Coastal Resources:** The project is designed and located to minimize alteration of the natural landforms and to protect environmentally sensitive habitats by aligning the trail along and within existing developed areas. The trail will serve to improve public safety by separating bicycle and pedestrian traffic from motorized traffic.

**Standard No. 2, Correct Hazards:** Traffic hazards created by bicycles and pedestrians using the shoulder of Highway 1 will be reduced through creation of a separated Class 1 facility.

**Standard No. 3, Access Easements: Construction and Location:** The width of the paved bikeway is appropriate for its location in an already developed waterfront location. The path will be fully wheelchair accessible.

**Standard No. 5, Environmentally Sensitive Areas:** The project would avoid adverse effects on coastal resources and will require compliance with permits from NOAA Fisheries and the California Coastal Commission, both of which will consider additional protective measures for environmentally sensitive resources.

**Standard No. 10, Coastal Bikeways:** The project would construct a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians, with a surface width of 10 feet for a two-way path and a 2-foot wide graded area along each side of the path. The bikeway features a graded and paved path, bike racks, vehicle barriers, fencing, and signs.

**Standard No. 12, Support Facilities:** Planned support facilities include signs, bike racks, and scenic overlooks.

**Standard No. 13, Barrier-Free Access:** The new segment would be fully wheelchair accessible.

### **CONSISTENCY WITH CONSERVANCY'S 2018-2022 STRATEGIC PLAN**

#### **GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objective A** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will implement a project to promote awareness and use of the California Coastal Trail.

Consistent with **Goal 1, Objective D** of the Conservancy's 2018-2022 Strategic Plan, the proposed project entails construction of a new trail segment.

Consistent with **Goal 1, Objective F** of the Conservancy's 2018-2022 Strategic Plan, the proposed project includes posting of the California Coastal Trail sign on a segment of existing Coastal Trail.

Consistent with **Goal 2, Objective A** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will expand opportunities for access for people with disabilities to and along the coast and coastal trails.

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### CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

#### Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** By developing public access and Coastal Trail facilities the project serves to promote and implement several state plans including:

The *Coastal Act (1976)* section on public access (Public Resources Code Sections 30210-30214) states that "maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

*Completing the California Coastal Trail Report* (Coastal Conservancy 2003), "Objectives in Completing the California Coastal Trail," Objective #1, which calls for the state to "provide a continuous trail as close to the ocean as possible" (page 8). Monterey County specific objectives include assisting in the completion of the MBSST.

*California @ 50 Million: The Environmental Goals and Policy Report* (Governor's Office of Planning and Research, 2013 Draft) Chapter 4 – Goals for California's Future, which states that "investments in . . . safe, walkable communities are needed to provide viable alternatives to driving" in order to reduce greenhouse gas emissions (page 15).

4. **Support of the public:** The project has the support of Congressman Jimmy Panetta, State Senator Bill Monning, State Assemblymember Mark Stone, Monterey County Supervisor John Phillips, the Transportation Agency for Monterey County, and Moss Landing Harbor District.
5. **Location:** The proposed project would be located within the coastal zone of Monterey County.
6. **Need:** Without funding from the Conservancy, the project may not be constructed in the foreseeable future. If construction is delayed, the total cost of the project would likely increase due to inflation. Additionally, the potential for serious injury to pedestrians and cyclists traveling along Highway 1 between south and north Moss Landing will continue to exist for as long as this section remains un-constructed.
7. **Greater-than-local interest:** Once completed, the pedestrian/bicycle trail will serve to further connect existing CCT/MBSST segments that run from Lovers point through the City



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of Monterey, Sand City, Seaside, Marina to those in Santa Cruz County. This trail will provide new and enhanced access to scenic views, natural resources, state beaches and parks, dunes and wetlands. Interpretive and illustrative signage along the trail would provide education on ecological, geographic, geological and cultural resources in the area to trail users. Construction of the project would increase recreational and tourist access within the harbor and to the Elkhorn Slough area.

8. **Sea level rise vulnerability:** The project includes rock slope protection (RSP) designed to address sea level rise scenarios at a 50-year projection. The RSP will be constructed to a minimum elevation of 15 ft along sections of the trail determined to be most vulnerable to sea level rise and waves. The analysis that determined this elevation is described in a report prepared by Sea Engineering and submitted to Monterey County and design consultant Wood Rodgers. The Sea Level Rise Report also addressed comments received from the California Coastal Commission (CCC) in the Administrative Draft review of the IS/MND. The entire trail will be constructed above this 15 ft elevation mark to address the 50-year sea level rise projections. In addition, the bridge section will be constructed to address the 100 year sea level rise projections. The minimum expected life span of the paved path and decomposed granite shoulders is 25 years, with repairs anticipated after that point.

### Additional Criteria

9. **Urgency:** Federal funds secured for the project must be encumbered by the end of 2019 or will be lost. Conservancy funding needs to be approved before the federal funds can be encumbered.
10. **Leverage:** See the "Project Financing" section above.
11. **Conflict resolution:** The project will resolve the issue of a safety hazard for pedestrians and cyclists who must use Highway 1 to traverse from southern to northern Moss Landing, filling a critical gap in the Coastal Trail.
12. **Readiness:** Plans, Specifications and Estimates for the project are 95% complete, and all remaining permits are expected to be secured within the next six months. The County intends to solicit contractor bids by the end of this year, pending award of the recommended Conservancy grant.
13. **Realization of prior Conservancy goals:** The Coastal Conservancy prepared the 2003 "Completing the California Coastal Trail" report. The document outlined action objectives for each county which, for Monterey County, included a call to: "encourage and assist in the completion of the Monterey Bay Sanctuary Scenic Trail".
14. **Cooperation:** Both Dynegy-Moss Landing Power Plant and the Moss Landing Harbor District have donated permanent easements for the bikeway amounting to approximately 0.6 acres.
15. **Minimization of greenhouse gas emissions:** Project design and construction methods include measures to avoid or minimize greenhouse gas emissions to the extent feasible and consistent with the project objectives.

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### CEQA COMPLIANCE:

Staff has independently evaluated the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) adopted by Monterey County on September 15, 2015 and concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by 14 Cal. Code Regs. §15382.

The IS/MND identified potentially significant impacts in the following areas: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. Mitigation measures were identified for each potentially significant impact that will avoid, reduce, or mitigate the potential impacts to a less-than-significant level. Potential impacts and mitigation measures are summarized below.

#### Biological Resources

Construction-related activities could adversely impact habitat for the California Brown Pelican, a state fully protected species. To mitigate these potential impacts a nesting bird survey and monitoring plan will be prepared and implemented. In addition, noise generated by the project could also potentially impact the federally threatened Southern Sea Otter and steelhead trout. To mitigate this, a Marine Mammal Protection Plan will be prepared and implemented, which will include acoustic monitoring of all pile driving activities. Fencing will be installed to protect environmentally sensitive wetland, open water, dune scrub and tree habitats.

#### Cultural Resources

Earth moving and subsurface activities of the project could potentially impact unidentified cultural resources in the project area. If previously unidentified cultural resources are unearthed during construction, a registered archeologist shall evaluate the resources and develop proper mitigation measures for the discovery. If Native American human remains are discovered the Native American Heritage Commission and local tribal representatives will be contacted to determine appropriate actions to treat and/or bury the remains.

#### Hazards and Hazardous Materials

Some fill material associated with the rip rap along the shore of Moss Landing Harbor and a nearby railroad bed will be excavated and then used elsewhere in the project area. The rip rap could contain soil contaminants, including lead originating from vehicle traffic along Highway One when excavated. Prior to construction and excavation, these materials will be tested and protocols established to handle, reuse and/or dispose the material.

#### Hydrology and Water Quality

Adverse water quality impacts on Elkhorn Slough and Moss Landing Harbor could potentially occur due to equipment spills and leaks, and discharge of debris, waste or sediment. To

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mitigate these potentially significant impacts, the project will comply with all applicable state and federal requirements including preparation and implementation of a Storm Water Pollution Prevention Plan and associated Best Management Practices (BMPs). Operation of the project has the potential to impact water quality due to pet waste, litter and surface runoff. To mitigate such impacts, operational BMPS will be implemented to manage and dispose of pet waste and litter, and to minimize the potential for pollutant loads from the project to enter waterways. Specifically, “mutt mitts” stations will be installed with signage directing users to properly dispose of the pet waste in the trash containers. The trail will be regularly swept to reduce the potential for trail sediment and associated pollutants to enter nearby waterways

### Noise

To minimize potentially significant adverse noise impacts that could occur due to construction activity, equipment will be fitted with appropriate sound muffling devices. Stationary equipment and staging areas will be located away from noise-sensitive receptors (e.g. people). Construction hours will be restricted to weekdays from 8am to 5pm.

Upon approval of the project, Conservancy staff will file a Notice of Determination.